

Habeas Second Submission." See Docket Entry No. 9.

Petitioner's latest motion for reconsideration presents a virtual replica of Petitioner's prior, already denied, motion for reconsideration.

6. Pursuant to the doctrine of res judicata, a determination on the merits involving the same parties or their privies bars a latter re-adjudication of the same. See Lubrizol Corp. v. Exxon Corp., 929 F.2d 960, 963 (3d Cir.1991). The purpose of res judicata doctrine is to avoid "relitigation of the same claims, expense to litigants and inconsistent results."¹ Avins v. Moll, 610 F. Supp. 308, 316 (D.C. Pa. 1984); see also Brown v. Felsen, 442 U.S. 127, 131 (1979); Jett v. Beech Interplex, Inc., 2004 U.S. Dist. LEXIS 13352, at * 2 (E.D. Pa. July 15, 2004) ("The purposes underlying the doctrine are to conserve judicial resources, establish certainty and respect for court judgments, and to protect the party that relies on prior adjudication from vexatious litigation"). The three prong test for the application of res judicata requires: "(1) a final judgment on the merits in a prior suit involving (2)

¹ See M & M Stone Co. v. Pennsylvania, 388 Fed. App'x 156, 159 (3d Cir. 2010) ("We consider the principles of issue preclusion and collateral estoppel to be synonymous. While the parties use the terms interchangeably, for the sake of clarity and consistency, we use only the former term. We consider the separate concept of claim preclusion to be a subset of the broader concept of res judicata") (citing Migra v. Warren City Sch. Dist. Bd. of Educ., 465 U.S. 75, 77 n.1 (1984)).

the same claim and (3) the same parties or their privies."

EEOC v. U.S. Steel Corp., 921 F.2d 489, 493 (3d Cir. 1990).

Importantly, "res judicata will 'not be defeated by minor differences of form, parties or allegations' where the

'controlling issues have been resolved in a prior proceeding

in which the present parties had an opportunity to appear and

assert their rights.'" Jett, 2004 U.S. Dist. LEXIS 13352, at

* 2. Here, Petitioner's position raised in his first motion

for reconsideration was already adjudicated, and his motion

art bar merely repeats the very same position. However,

Petitioner cannot seek relitigation of the same. As the Court

already explained in its decision with regard to Petitioner's

first motion for reconsideration, in the event Petitioner is

dissatisfied with this Court's ruling, his remedy is an

appellate application rather than an application seeking

relitigation of the already resolved matter before this Court.

IT IS, therefore, on this 28th day of November 2011,

ORDERED that the Clerk shall reopen this action for the Court's examination of Petitioner's second motion for reconsideration, Docket Entry No. 9, by making a new and separate entry on the docket reading, "CIVIL CASE REOPENED"; and it is further

ORDERED that Petitioner's second motion for reconsideration, Docket Entry No. 9, is denied both in form and in substance, and

this Court's prior determination shall remain in force, and Petitioner's challenges shall remain dismissed on merits, as not warranting habeas relief; and it is further

ORDERED that this Court withdraws its jurisdiction over this matter; and it is further

ORDERED that the Clerk shall serve this Memorandum Opinion and Order upon Petitioner by regular U.S. mail; and it is finally

ORDERED that the Clerk shall close this action by making a new and separate entry on the docket reading, "CIVIL CASE CLOSED."

s/Renée Marie Bumb
RENÉE MARIE BUMB,
United States District Judge